

Response to Public Comments
Draft ATV Trail Development and Management Policy
Updated 11/19/2020

This document details public comments received by the Department of Conservation and Natural Resources (DCNR or Department) on the Draft ATV Trail Development and Management Policy (draft policy), an internal policy intended to provide guidance for the Department when acquiring, developing, and managing lands for All-Terrain Vehicle (“ATV”) use (as defined in 75 Pa. C.S. § 7702).

Through the release of this document, DCNR is responding to those comments that specifically related to the proposed draft policy and/or its implementation.

IMPACTS OF COVID-19

Due to the initial impacts and overall needs in responding to the COVID-19 pandemic, DCNR was forced to push back its timeline for finalizing this comment response document and the release and implementation of the ATV Policy. DCNR’s parks and forests have experienced unprecedented use during the past few months which has put additional pressures on administrative, operations, and enforcement staff. The Department also recognizes that COVID-related budget restraints may slow the implementation of this policy. The Department greatly appreciates the patience of the public and interested stakeholders during this time.

PROPOSED CHANGES IN DRAFT POLICY

DCNR released, for public comment, the draft policy on January 27, 2020. DCNR is proposing changes to the current internal policy, which has been in place since September 2015.

The draft policy proposes the following:

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- Rescinds the ATV trail development moratorium that has been in place since 2003 and authorizes the Department to consider new ATV trails and connectors;
- DCNR will continue to explore opportunities to fund development of ATV parks and facilities on private land or public lands, acquired specifically for motorized recreation;
- Bureau of Forestry (BOF), with approval from the Secretary, may designate specific portions of its administrated state forest road system as temporary, seasonal or permanent ATV trails.
- DCNR will not consider any proposed trail that requires access onto lands not owned or managed by the Department without written agreement or recorded easement that specifies the landowner's explicit permissions for public access;
- ATV riding is prohibited within state park boundaries; and
- The BOF may request public comment on proposed ATV trail projects or activities that have broader impacts on a community or region.

COMMENT SOLICITATION

DCNR provided a 60-day comment period beginning on January 27, 2020. DCNR circulated the draft policy through its website, email, and social media. In addition, the Department offered two webinars during the comment period for the following advisory councils: Snowmobile and ATV Advisory Council, Pennsylvania Trails Advisory Council, Conservation and Natural Resources Advisory Council, Natural Gas Advisory Council, Ecological Management Advisory Council, and Governor's Sportsmen's Advisory Council.

Comment deadline was March 27th but DCNR accepted any comments received within a week beyond that date. In essence, all comments were accepted and considered.

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DCNR's post through its social media platforms and encouraged the public to review the draft policy and submit public comments. DCNR reviewed the post's comments and found there were those in full support of the policy changes; those that expressed concerns; and others that were opposed to any additional ATV riding on state forest lands.

Per the administration's social media policy, communications posted on DCNR's social media accounts will not be construed as satisfying requirements for legal notice or service, shall not be considered official public comment, and shall not be construed as an official request for records pursuant to the Right-to-Know Law.

COMMENTS RECEIVED

DCNR received 857 comments on the draft policy, including 572 unique messages (285 messages used the same template). The vast majority of comments were received via email. Most comments did not specifically reference the language of the policy itself. Overall, three-quarters of comments were supportive of additional ATV riding opportunities on DCNR-managed lands. Approximately one quarter of respondents indicated concerns or were overall opposed to expanding ATV trails on DCNR lands.

Those individuals that identified concerns with increased ATV riding on state forest lands mentioned a variety of issues or recommendations such as concerns for those leasing camps/cabins; DCNR's enforcement capacity; safety concerns over multi-use trails; impacts on other recreational users; environmental impacts; noise pollution; increased illegal riding; impacts on wildlife and wilderness areas; and pollution and emission controls.

Although most comments did not provide an address or location, a number of individuals that submitted comments did provide some geographical reference. A large percentage of comments were submitted by residents or frequent visitors of the northern tier (PA Wilds and

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the following counties were referenced in particular: Tioga, Potter, Elk, Erie, Warren, McKean). Also received were a few comments from the southwestern portion of the state, a few from the southcentral region, and a few from the eastern regions of the state.

In addition to individual comments, the Department also received comments from the following entities:

- Allegheny National Forest Visitor's Bureau
- American Motorcyclist Association
- Appalachian Trail Conservancy
- Bucktail Watershed Association
- Clinton County Economic Partnership and Visitors Bureau
- DCNR Conservation and Natural Resources Advisory Council
- Elk County Riders
- Greater Renovo Area Heritage Park Association
- Keystone Trail Association
- Pennsylvania Great Outdoors Visitors Bureau
- Pennsylvania Land Trust Association
- Pennsylvania Off-Highway Vehicle Association
- Pennsylvania Parks and Forests Foundation
- Pennsylvania Snowmobile Association, Region 10
- Pennsylvania Snowseeker Snowmobile Club
- Pine Creek Watershed Council
- Sierra Club, PA Chapter
- Western Pennsylvania Conservancy

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DCNR also received comments from a member of the General Assembly, a few county commissioners, and a few township supervisors.

This document is organized based on broader topic areas identified in the comments.

STATE FOREST INFRASTRUCTURE

Maintain the moratorium in regard to present state forest lands; and lift the moratorium in regard to lands newly acquired by DCNR for the express purpose of providing for motorized vehicular recreation.

RESPONSE: Connecting existing DCNR ATV trail systems offers the most efficient and effective opportunity to provide long-distance riding experiences because they build off existing infrastructure, established and maintained specifically for this recreational activity. DCNR will look for opportunities to expand riding opportunities through newly acquired lands (e.g., reclaimed and abandoned lands) expressly for motorized recreation. DCNR also will actively collaborate with private landowners who are willing to open their lands to expand riding opportunities where state forest lands are not feasible or ideal for ATV trail construction. In other states where ATV enthusiasts have noted quality riding opportunities, a high percentage of the long-distance trails rely on private lands.

ATVs on state forest roads: 66 comments recommended that state forest roads be accessible for ATVs. Some suggested all roads be available; most suggested some be opened while others recommended the use of administrative roads. There were a few comments that either reinforced or questioned the safety concerns regarding the use of ATVs on gravel or unpaved roads. There were a few comments that requested the opening of specific state forest roads or pilot projects within a designated state forest region or county.

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RESPONSE: The draft policy authorizes the BOF, with approval from the Secretary, to designate portions of its administrated state forest road system as temporary, seasonal, or permanent ATV trails. Roads which likely would be considered would be in situations where utilizing the road would have little additional impact to the resource and utilize existing infrastructure as opposed to making new corridors. Administrative roads may be favored since they are otherwise closed to unauthorized vehicular use and their incorporation into a seasonal ATV trail system would avoid dual use, limiting safety concerns. The BOF could implement a regional assessment that would evaluate select north central forest districts for corridors that could serve as regional connector trails.

The BOF maintains concerns regarding extensive ATV use of gravel-covered, crowned public-use roads due to potential safety hazards for all users. Additionally, most ATV manufacturers, through their operational manuals, do not recommend riding on roadways, including paved, gravel, or dirt. Accordingly, the Bureau would assess public-use state forest road or segments thereof only in situations where utilizing the road represent the best alternative important to local or regional trail connectivity or where the benefits of avoiding new trail construction warrant the change in designation. Sections of public use roads designated for seasonal ATV use would be posted accordingly.

Any portions of state forest roads designated for seasonal ATV use would be posted to indicate ATV trail designation and open to ATV use. ATV riders would be prohibited from leaving the designated road. The Department reserves the right to change postings should events prove it necessary for the safety of the public and/or Department staff.

DCNR public-use roads are open to licensed drivers of street legal vehicles seeking an “off-road” (e.g., gravel or dirt road) experience.

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DCNR should provide a map of existing “public-use state forest roads” to the public for consideration during the public-comment period for this policy to ensure adequate public involvement and information in the stewardship of public lands.

RESPONSE: Public use roads are shown on each state forests public use map. Maps can be downloaded at <https://www.dcnr.pa.gov/about/Pages/Forestry.aspx>.

Regarding existing ATV trails that are not addressed under the present moratorium, DCNR should make careful study of the impact of these trails on public natural resources to inform future policy development and agency actions.

RESPONSE: DCNR is planning to incorporate a systematic analysis of its current trail system with regards to sustainability and issue recommendations for improvement.

Use of existing right-of-ways (ROWs): There were a few comments that expressed interest in using existing ROWs on state forest lands such as pipeline and powerline routes and administrative and retired logging roads that may not be used as frequently or at all by DCNR staff.

RESPONSE: Utility line corridors are the product of negotiated agreements with companies to meet very specific operational needs. They are not established with any provision for use as a sustainable recreational trail and often incorporate features which are clear safety hazards for ATV riders or lead to areas where illegal ATV use will be problematic. Regardless of agreement provisions and language, the BOF would only entertain utility ROW as ATV trails in the event the corridor was sustainable to the use, appropriate for the use, and agreed upon with the ROW holder.

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Consideration for camp owners: There were a few comments that addressed concerns from cabin and camp owners regarding the impact that additional ATVs would have on the quality of their experience in state forests.

RESPONSE: State forest leased camps are one of many different state forest user groups that may experience conflict with ATV connector trails. At the same time, others will view it as an opportunity and may want to be close to the trail in order to gain direct access. In the event of a potential conflict, the BOF will work with individual camp owners to the extent possible to meet their individual needs.

The policy does not propose a threshold of trails. Has one been established? What does that look like? What is ENOUGH?

RESPONSE: ATV trails are funding and personnel intensive to establish and maintain. The activity can also cause deleterious ecological impacts and conflicts with other forest users. Minimizing managerial constraints to the successful operation of the overall trail system is a necessity. The BOF will strive to provide the most direct, least impactful connections between existing trail systems that can be established given local variables.

DCNR should update its Pennsylvania Trail Design Manual for Off-Highway Recreational vehicles.

RESPONSE: Sustainable trail design, construction, and maintenance is an important factor of ecosystem management. DCNR will use the best available methods and practices to construct connectors. DCNR is also looking into updating the manual that was last published in 2004.

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STATE PARKS

What process will be in place to enforce the restriction from ATV riding in state parks? Additionally, after a township road was opened to ATV use and that township road passed through a park, the park campground was opened to ATV camping. How will the Department protect future state parks from similar situations? If a township road opens to ATV use, is it now the protocol of the Department to turn it into an ATV Park?

RESPONSE: ATVs are strictly prohibited within state park boundaries to ensure the safety of visitors and staff. However, a small connector trail was established to help resolve a very unique situation at Lyman Run State Park. In 2019, DCNR established a connection between a park campground and the Susquehannock State Forest Rock Run Road trailhead, located within the park. Lyman Run State Park has a township road running through it for which the township permits ATV use, and the park is unique in that it is the only state park with an ATV-designated trailhead within the park. (Note that the entirety of the Susquehannock ATV Trail, including the section that traverses Lyman Run State Park, is managed by BOF.) To allow campers with ATVs to ride from the park's Lower Campground to the township road then to the trailhead, the park is allowing campers with ATVs to ride on the campground road (normally off-limits for ATVs) to access the township road and ride directly to the trailhead. This special allowance is permitted only during the summer camping season.

Conservation and Natural Resources Advisory Council (CNRAC) would suggest that the draft policy be modified to allow some flexibility on State Parks when opportunities such as the "pilot project" arise.

RESPONSE: Pennsylvania's system of 121 state parks, making up nearly 300,000 acres of land across the Commonwealth, provides a network of green oases for outdoor recreation,

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spiritual renewal, education, and a great diversity of habitats and wildlife. The mission of providing outdoor recreation and education includes the caveat that first consideration be given to conserving our natural and cultural values, so care must always be taken to balance the potential impacts of activities and facilities with the resources that exist within a park or a region. The use of ATVs on public land has been a controversial issue for some time and has become more prominent as this form of recreation has increased in popularity. Based on the recent Penn's Parks for All survey many of state park visitors are not in favor of motorized recreation in the state parks footprint:

- Almost all respondents (92%) agreed or strongly agreed that state parks should continue to emphasize healthful outdoor recreation activities.
- The vast majority agreed or strongly agreed (87%) that visitors to state parks should expect a quiet, natural and/or wild experience.
- 68% felt trails for motorized use were somewhat inappropriate or inappropriate.

We ask that the policy reflect the surveys and planning that DCNR has been doing to plan for the future of our state parks and forests. In the recent Penn's Parks for All Preliminary Report, 87% of the survey respondents agreed that visitors to state parks should expect a quiet, natural, and/or wild experience.

RESPONSE: DCNR seeks to ensure that state parks are avenues to connect all visitors to natural and cultural resources through safe and sustainable outdoor recreational opportunities and associated facilities that enhance the enjoyment of state park resources. The Department's main goal is to conserve, protect, restore and enhance the quality and character of state park resources for current and future generations. Visitor experiences to state parks are grounded in "healthful outdoor recreation activities", in both passive and active pursuits, which is embedded in the state park mission. High value visitor

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experiences are contingent on state parks providing quiet, natural, and/or wild outdoor spaces for those pursuits while minimizing, to the furthest extent possible through best management practices, visitor use conflicts in high density recreation park environments. An overarching management goal for high value visitor experiences in state parks is that one visitor's activity should not deleteriously impact another visitor's activity and that uses of park resources are managed sustainably for current and future generations.

ECOLOGICAL AND ENVIRONMENTAL CONCERNS

Ecological and environmental impacts: The dozens of comments received in opposition to expanded riding on state forests noted a number of concerns regarding DCNR's ability to ensure sustainable management of state forest lands. Specific concerns noted included loss of habitat, contributing to the increase in invasive species, negative impacts on water quality, negative impacts on wildlife, increased erosion and sedimentation, increased air pollution (including CO₂ emissions), and increased noise pollution. Many who issued comments in opposition of expanding ATV trails on DCNR-owned lands questioned whether it was in line with the agency's mission and its role as trustee per Article 1 Section 27.

RESPONSE: Per Article I Section 27 of the Pennsylvania Constitution, DCNR is a trustee of the Commonwealth's natural resources; State parks and forests are part of the public natural resource trust. As a trustee, the Commonwealth is obligated to conserve and maintain the corpus of the trust for current and future generations. DCNR is mandated to prevent and remedy any degradation, diminution, or depletion of the natural resources. The increased demand on our state forests as a result of various forms of development, whether it is recreational or industrial (e.g., mineral extraction, pipeline), requires

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thoughtful consideration regarding state forest management. In managing these demands on our state forests, the 2016 State Forest Resource Management Plan (SFRMP) provides the following statement on the DCNR's exercise of its trustee duties, "state forest infrastructure must be systematically structured and designed to provide social, cultural, and economic forest benefits to present and future users within the constraints of sound ecosystem management." The SFRMP is an important guidance tool that the BOF uses to plan, coordinate, and communicate its goals and guidance on management policies of the state forest system. In addition, the BOF is working on an ATV management plan that would guide the implementation of this policy. According to the Bureau's strategic plan, "Ecosystem management concepts and principles will serve as the fundamental basis for the sustainable management of state forest lands." The Bureau takes a "landscape approach" to ensure ecological health, the sustainability of the full suite of forest values, and the integration and the coordination of management activities across the state forest system. Landscape management is both a philosophy and a practice. The Bureau manages large tracts of forest land and considers how management activities affect land in the larger context across multiple temporal and spatial scales. Likewise, the evaluation of the spatial distribution of resources and management activities is essential for effective landscape management. Multiple internal planning and review processes are utilized to ensure that developments are compatible with resource protection. The Bureau's approach in the siting and managing of any development, including ATV trails, is to avoid, minimize, and mitigate any potential impacts that may arise.

The Commonwealth of Pennsylvania is currently being sued for not doing its part to clean up nutrient and sedimentation pollution to the Chesapeake Bay. The DCNR should take this into consideration. The majority of our state forest system lies within the Chesapeake Bay drainage. The entire Chesapeake Bay Watershed is under a TMDL (total maximum

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daily load) for sedimentation. Is it responsible for the DCNR to provide for an increase in an activity that would lead to an increase in earth disturbance and the potential (or perhaps certainty) of more sedimentation in a watershed that has a TMDL for sedimentation?

RESPONSE: DCNR has been a key partner in implementing strategies to improve water quality in the Commonwealth and particularly in the Chesapeake Bay Watershed through reforestation, lawn conversion, mitigation, and the implementation of Best Management Practices (BMPs). Although much of the Bay's impairment is a result of nitrogen and phosphorous runoff, DCNR recognizes that erosion and sedimentation is also a contributing factor. DCNR has no intentions of implementing any trail project that would result in adverse impacts to the work supporting the bay cleanup. Forest ecosystems typically provide adequate vegetation to control and mitigate sediment pollution. All proposed trail development (motorized and non-motorized) is reviewed before approved and constructed and erosion and sedimentation are taken into careful consideration. Designated, well-planned, built and maintained ATV trails should not result in sediment deposition.

Noise should be considered when assessing additional ATV trails...will the tranquility of an area be disrupted? Is there an alternative that would have less impact on solitude and fewer impacts on birds, wildlife, and humans? Setting a decibel level is an important step in reducing the noise impacts of ATVs. Recently, the Pennsylvania Fish and Boat Commission set noise regulations for motorboats.

RESPONSE: Large, undeveloped tracts of forest land and the wild forest character they provide are rare, if not threatened, in Pennsylvania. As manager of significant large, undeveloped forest land tracts, DCNR is aware of its custodial responsibility regarding the protection of this scarce forest value. DCNR is aware of the ecological and social

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implications of noise pollution and research that discusses those implications. As part of evaluation criteria for the siting, planning, and management of any potential ATV projects, DCNR will carefully consider the ecological and social impacts of anthropogenic noise.

DCNR takes great pride in touting its green energy program and reduction in greenhouse gases. One could argue that the steps made by the Department will be offset by the increased emissions of expanded ATV use. How will cumulative air impacts be mitigated?

RESPONSE: DCNR recognizes that all recreational activities, even those that are human-powered, have a carbon footprint when you calculate distances traveled and materials and/equipment purchased. Nonetheless, DCNR will look at opportunities to limit ATV vehicle emissions and impact within its purview.

ATVs have gotten bigger, heavier and more powerful resulting in an even greater negative effect on the forest ecology and terrain due to the high impact inherently destructive mechanics of the machines themselves. What are the studies and empirical data that show that the documented impacts have been significantly ameliorated such that rescinding the moratorium is now warranted?

RESPONSE: These changes in the structural nature of the machines and the ways in which recreationalists use them has driven much of the change in the sport. Machines are bigger, more comfortable and routinely support multiple passengers which has made traditional, “looped trail” systems as sole destinations an increasingly antiquated concept and in fact been much of the impetus for change expressed in this draft policy. Regardless of the ultimate arrangement of regional trail systems formed by connecting existing trail systems across landscapes, it is clear that more robust design and maintenance of ATV trails to support wider, heavier machines must be a foremost consideration in the managerial

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capacity of DCNR – including existing trail systems. This policy will also set an ATV size and weight limit on all trails located or connected to state forest lands.

In absolutely no case should an ATV trail be constructed in the watershed of an EV stream.

RESPONSE: As described in the SFRMP, water protection is of the utmost ecosystem management consideration. To ensure proper protection of aquatic resources, the Bureau maintains Aquatic Habitat Buffer Guidelines that place certain restrictions on management activities that may occur within certain distances of different stream types. Exceptional Value streams usually contain the most restrictive guidelines. Any implementation of new ATV trails would go through a State Forest Environmental Review process, where the planned project would be checked with these guidelines and other guiding ecosystem management documents.

ENFORCEMENT ISSUES

Ample enforcement: A few comments raised concerns regarding DCNR’s enforcement capabilities; several of these comments noted concerns with enforcement capacity based on current levels of illegal riding as well as what increased riding and additional trails on DCNR managed lands would require. Even some who support increased ATV riding opportunities noted that proper enforcement was crucial. Law enforcement should be secured and in place before any consideration is given to expansion. One organization questioned DCNR’s ability to reconcile its constitutional trustee duty to the natural resource with expansion of ATV use on previously established state forest land due to lack of enforcement capacity.

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RESPONSE: Our present complement of DCNR Rangers and state forest officers has never been sufficient to control illegal ATV use, which occurs with as much frequency on state forests without legal trail systems as those with them. With over 2.2 million acres of state forest land to manage for many uses, thousands of miles of road to patrol and many more thousands of miles of boundary lines to monitor for encroachment, proper enforcement is a huge task. Even with additional staffing and utilizing new technologies, enforcement in itself will not be the answer to illegal use. The more necessary manner to address this very real problem is through engagement of the ATV user community itself. The ATV community would greatly benefit by instituting self-regulating and self-policing protocols, along with a proactive safety mindset, much like is practiced within the private ATV parks and riding communities. DCNR will work with the ATV community to promote broader stewardship and encourage voluntary community patrol and reporting efforts, as DCNR has with other recreational user communities.

In the implementation of new designated ATV trails (OR riding opportunities), DCNR will consider the additional administrative resources (e.g., education, planning, construction, resource protection, maintenance, enforcement, etc.) needed to ensure safe and enjoyable experiences for all state forest visitors.

Those additional resources come in the form of an active, self-preserving, and diligent riding community. Educating user groups on sustainable management and giving them ownership of “their” trail systems will only help to enforce a safer and more quality riding experience.

How will DCNR monitor and enforce ATV riders as to trail speed and proper riding practices to ensure minimal trail damage?

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RESPONSE: Ridership safety and environmental protection are of the utmost concern for sustainable ATV trail management. Trails will be regularly monitored for condition and problem areas identified for education and enforcement focus as needed. Trail design can also contribute to safer riding conditions. DCNR remains diligent in its communications with ATV user groups to promote proper trail riding etiquette and stewardship practices. These ethics must be reinforced within the community through organizations and individual riders. DCNR relies heavily on trail design and layout to ensure sustainability.

RECREATIONAL USE

Impact on other recreational users: Several comments addressed concerns regarding the impact that increased ATV riding on state forest lands would have on other recreational users, including hikers, birdwatchers, hunters, etc.

RESPONSE: Recreational use of state forest resources vary widely among users and among state forest districts. According to the BOF's SFRMP, DCNR Recreation Management Principle states, "wild character and recreation opportunities and experiences on state forest lands are managed to provide dispersed, low-density recreation activities that are compatible with ecosystem management."

The SFRMP also notes "increasing recreational use and the diversity of uses are having a growing impact on other resources and forest ecosystems. With the influx of more individuals and groups in pursuit of recreational activities, it becomes increasingly important for the Bureau to develop strategies to provide a quality outdoor experience, minimize conflicts between user groups, and maintain ecological processes.

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In recent Visitor Use Monitoring (VUM) surveys, the visitors indicate scenic driving and hiking among the most popular in terms of recreational uses of state forest lands. Other popular activities include viewing scenery and wildlife, fishing, hunting, camping, picnicking, biking, and water activities such as swimming or kayaking. State Forest zoning, coupled with the use of the Recreational Opportunity Spectrum (ROS) planning tool considers the applicability of activities within landscapes. These same foundational concepts of state forest management will be applied to ATV trail planning and development. Achieving outcomes in conservation that do not impact other resource values, be they recreational, habitat, solitude, etc., are relatively hard to achieve.

ATV use as an expanded recreational activity will certainly impact other users, but these impacts will be localized and every opportunity will be taken to co-locate these connectors with existing corridors, many of which already impact recreational use to one extent or another.

The ATV riding community has been very vocal in regards to expanding and enhancing riding opportunities in the Commonwealth; however, DCNR must balance this input with the feedback from other user groups. In fact, recent polling conducted through Penn State University reveals Pennsylvanians tend to have a negative reaction to ATV use on state forest lands. The COVID-19 pandemic has also put additional strain on DCNR's parks and forests due to unprecedented usage in the past several months as well as increased illegal ATV riding on state forest lands.

Conflict with hunting seasons: A few comments requested ATV trails be shut down during hunting season.

RESPONSE: Currently, designated ATV trails on state forest lands are open from the Friday before Memorial Day through the last full weekend in September. This alleviates

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conflict with Pennsylvania's more popular hunting seasons, including deer, turkey, bear, and small game. A limited number of individual trail systems reopen following fall hunting seasons. Connector trails will only be opened for the summer riding season in order to minimize conflicts with other users, protect trail surfaces from disproportionate levels of damage associated with open winters/spring thaws and conserve limited manpower and funding resources through avoiding unnecessary damages.

Support ATV use on snowmobile trails: 40 comments recommended that DCNR allow ATV use on snowmobile trails within the state forest system. Many noted that due to warmer winters, there were fewer snowmobilers and fewer days to enjoy the activity. Some noted that ATV registration fees make up a larger percentage of overall revenue yet DCNR offers more riding opportunities for snowmobilers. Others concerned with impacts suggested that ATVs use existing snowmobile trails to limit impacts on state forests from the development of trails. One comment noted that ATV use should be limited to the snowmobile trails that facilitate their trail interconnectivity goals.

RESPONSE: Co-location of ATV and Snowmobile trails may indeed be possible in some areas and will be examined on the basis of individual connector concepts. Using existing trail corridors meets the goal of minimizing additional disturbance. However, many snowmobile trails were not built for year-round use and would not meet sustainability requirement for ATV use without additional investment and regular maintenance, particularly the period of closure between the end of ATV riding season in late September and the beginning of snowmobile season in December. Additionally, some snowmobile connectors occur on private lands under the premise of being exclusively utilized as snowmobile trails. Landowners who have granted permission to this use may feel differently about doing so for ATVs which would be using these trails at a time of year

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they are more likely to encounter them. Any incorporation of snowmobile trails would be strategic and limited only to what would be necessary to carry the connector. DCNR could only consider the possibility of the use of snowmobile trails for ATV use during off-seasons months (e.g., May – September).

Oppose ATV use on snowmobile trails: 40 comments addressed concerns about the use of ATVs on snowmobile trails. The majority opposed dual use during snowmobile season for safety reasons and due to concerns that ATVs cause rutting and other damage to the trails. Some questioned who would maintain and repair the trails in time for snowmobile season and how this maintenance work would be funded.

RESPONSE: DCNR will not promote dual use of ATV and snowmobile trails. Winter use of ATV trails will only be permitted within specified ATV Trail systems. Maintenance and enforcement costs for trails of co-located designation (but different riding seasons) could be drawn from the ATV Fund.

Why, with 85% of restricted receipts funding already going to ATV use and only 15% going to snowmobile trail use would the use of snowmobile trails for ATVs even be considered? The ATV trails on the Bloody Skillet are simply not suitable for snowmobile use due to their state of dis-repair and erosion. With that being said, we wonder how, if the shared use proposal would happen, how the state would maintain and repair trails that were used by ATVs in preparation for snowmobile use?

RESPONSE: DCNR views co-location of ATV and snowmobile trails as elements of connector corridors as a positive as it will minimize the need to establish additional areas of disturbance in areas of unbroken forest, which is of considerable importance to achieve many conservation goals beyond recreational use. Connectors would be implemented where necessary to allow for directional travel between ATV trail systems and other points

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of interest. Many would need to be upgraded to a higher standard of sustainability to account for all-season use, and priority would need to be given to these co-located sections of connector trails to ensure they are ready for snowmobile season. ATV restricted funds would be available to maintain areas of co-located trail, thus lessening the burden on snowmobile funds alone. The 11 existing ATV trails are in varying condition at the end of annual riding seasons and at times do not achieve adequate reclamation prior to the onset of snow, which can result in undesirable riding conditions as mentioned

With only approximately two months between the ending of the ATV season and the start of the Snowmobile Season, will DCNR have enough staff and time to complete such trail maintenance?

RESPONSE: The relatively brief period from the end of ATV season and the wet fall can indeed present a challenge to accomplishing significant repairs. With this in mind, sections of co-located trails would be closely monitored for damages and be addressed in-season as much as possible. Remaining repairs would be prioritized in off-season work.

How will displaced users be accommodated and has the displacement been factored into the economic impacts of expanded trail system? Will increased FREE trails pull away from the PAID opportunities in Pennsylvania, thereby adversely impacting the private sector?

RESPONSE: While DCNR acknowledges the concept of displacement and its potential to occur relative to the introduction of increased ATV riding opportunities, it is impossible to estimate the exact degree to which it will occur. DCNR will strive to locate trails in a manner that minimizes intersection with existing non-motorized trail systems to the extent possible. In the event it cannot be avoided, it does not necessarily spell the end of use on the impacted trail – there are existing examples where motorized and non-motorized use trails exist in the same landscape. Similar to displacement, the effect of drawing usership

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from “pay to play” areas cannot be accurately assessed prior to implementation. ATV registration data suggests many users live in the southeastern and southwestern corners of the state, and regardless of DCNR ATV trail development, they may well choose to continue utilizing closer options to their homes rather than paying for travel and lodging to use a more remote trail in northcentral Pennsylvania.

How will impacts of the new trails be monitored? And by impacts, we refer not just to the trails themselves such as erosion, etc. but to other potential impacts, such as displacement of other user groups, society or community impacts, etc.

RESPONSE: The BOF’s recreation system is a shared-use system. We acknowledge the diversity of individual recreational uses and that uses often compete for limited available space and facilities. The Bureau will carefully plan, site, and manage recreational facilities to provide high-quality experiences relative to diverse uses as much as possible.

While planning processes seek to minimize recreation use conflict, there remains expectation of inclusion and tolerance by the user groups themselves.

Monitoring is a necessary component of a successful ATV connector system for a variety of reasons, such as assessing safety, enforcement, user conflicts, illegal trail establishment, maintenance, budgeting, and environmental needs among others. The BOF envisions establishing regular monitoring protocols for connector trails in order to accomplish this. Details of monitoring will be developed in concert with the development of the initial connector trails, which is likely to take an extended period of time given current staffing and funding levels along with the present financial environment. The Bureau may work in concert with local volunteer groups and member clubs to conduct assessments.

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PUBLIC/PRIVATE PARTNERSHIPS

Support for long-distance trails: There were a few comments that requested long-distance riding opportunities similar to what is available in other states (e.g., WV, NH); some noted interest in trail connections to local communities and businesses.

RESPONSE: The proposed changes in the draft policy could allow DCNR to implement changes necessary to connect established ATV trail systems assuming there is ample support from local stakeholders, participation from other landowners and jurisdictional authorities, demonstrated stewardship from the user group, and the financial and human resources to implement. Our experience in advancing the Bloody Skillet to Whiskey Springs ATV trail systems indicates the ultimate ability to implement cross-landscape corridors lies in navigating the mountainous terrain while adequately safeguarding the natural resources in which DCNR serves as trustee ; the active participation and support from local governments and ATV interest groups to negotiate with private landowners and communities on lands that represent the most feasible (or in other cases, the only) connector opportunity; and the cooperation of other state agencies to consider alternatives (e.g. roads managed by PennDOT) where no others exist. These same issues become even more challenging when considering direct connections to local businesses.

DCNR grant funding to private facilities: A few comments questioned DCNR's public investments in ATV riding opportunities to private facilities where high annual fees are charged.

RESPONSE: DCNR does evaluate its grantees for "openness" to the public and the "fairness" of their rates. Facilities funded by DCNR generally charge fair market prices or better.

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The policy does not spell out who is responsible for getting permission for an easement to access privately owned land.

RESPONSE: The responsibility to acquire easements across private lands would generally fall to local governments, ATV clubs, or individuals. The BOF would not, however, rule out acquiring permanent rights-of-way in the event landowners would be willing to reasonably grant them, particularly where the rights-of-way would meet multiple areas of managerial need.

While CNRAC supports the concept of a formal written agreement for trail connectivity across private land or ownership/easement that is other than DCNR, we suggest adding language to support a flexible written agreement that is not time bound...long term agreements without the “opt out” can discourage otherwise cooperative parties from providing connectivity. In some circumstances a “User Group” entity such as a local club can assist with landowner relations.

RESPONSE: The ability to consider implementing a section of trail in the absence of a long-term commitment by the landowner or their successors would depend largely upon the location of the needed easement and its importance to the overall connectivity of the trail. Long distance trails require significant investments in staff and resources for planning, development, maintenance, and enforcement. DCNR requires the support and assistance of local stakeholders in building relationships and acquiring permissions from landowners to make trail connections viable. Permanent agreements or easements would ensure the sound use of public investments and best decision-making regarding sustainable trail development and management. A segment of a trail eliminated because one or more private landowners no longer wants to open their lands for this purpose could mean the re-routing or closure of an entire trail. DCNR cannot responsibly commit to investment of

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public funds to areas where access is subject to the whims of individual landowners, who change with regularity.

FUNDING/STAFFING NEEDS

DCNR should ensure funding is secured and maintenance plans developed BEFORE any consideration is given to expansion.

RESPONSE: DCNR must secure funding to build and maintain trail facilities before any are implemented. ATV trails are extremely capital-intensive projects and resource limits will always be a prime consideration in managing the program. Building, maintaining and effectively monitoring the use of a regional ATV Trail System is a tall order. The far more simplistic task of maintaining 11 disparate, existing trail systems is met with varying degrees of success within present staffing and funding levels, and we acknowledge improvements are necessary in this effort as well. DCNR will submit personnel and funding requests for additional resources to build and properly support a regional trail system. It is clear the present restricted account fund for ATV registrations is not remotely sufficient to meet these needs as presently configured. Nor can the Department consistently use funds needed across the state for responsible management of ATV recreation in one or two regional efforts that many registered Pennsylvania ATV riders may never use.

Divide the funds received through registering and titling ATVs into two separate pools that are used for 1) constructing new trails; and 2) maintaining existing trails.

RESPONSE: While acknowledging the necessity of increased funding to successfully construct and operate a regional trail system, DCNR recognizes that any changes to

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registering and titling of ATVs must be addressed by the legislature through modification of the existing ATV Sections of the Vehicle Code.

Before any new trail is created, DCNR should prepare a fiscal analysis laying out the costs and sources of funding, both to build the trail and to maintain it.

RESPONSE: ATV trail planning, development, construction and maintenance are primarily funded through the ATV restricted account. This process has been and would continue to be used in prospective ATV connector corridors. Understanding the managerial and operational constraints of operating any trail is important, but especially required with the relative intensity of use associated with ATV Trails.

DCNR should make clear the funding sources and processes that could be undertaken for the state to fund the development of private ATV parks.

RESPONSE: DCNR will continue outreach through its semi-annual ATV and Snowmobile Grant Program. In addition, DCNR will be considering updates to its guidance document entitled "So You Want to Open an Off-Highway Vehicle Park."

Who will be bearing the cost of maintenance? Will there be an active program for recruiting ATV users as volunteers to mitigate their own impacts?

RESPONSE: DCNR recognizes the many partners that support its operations and efforts to provide recreational opportunities to visitors. DCNR will continue to engage ATV riding clubs and interest groups and volunteer groups for support. Volunteer engagement will be a necessary element of a successful regional ATV trail system in Pennsylvania, as has been illustrated in other states. For its part, the ATV community has been good cooperators on existing trail systems for many years, and DCNR has long valued their volunteer work. Additionally, they have been outspoken in offering more assistance in improving

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opportunities for them to enjoy their recreation. Organizationally, DCNR would have to pay close attention to negotiated labor contracts to avoid violating contractual obligations to employees.

How will the increased need for emergency care be met—both through the forest system and by local communities? Will trails be rated for experience?

RESPONSE: ATV trails are rated for difficulty under established program guidance, and the connector trails would be as well. Ideally, the preponderance of any connector trail would be geared to the lowest common denominator of less technically-experienced riders. Higher degrees of technical challenge for those seeking it would be found with the existing ATV trail systems. Emergency services support is most definitely a primary concern of DCNR, particularly in the rural locales which would support much of the regional trail. Primary consideration should be given to this topic in any connector trail request, and adequate support provided for local response resources. ATV and UTV accidents can place a high demand on first responders and emergency room personnel. The Bureau uses regularly-placed mile markers on designated trail systems to aid responders in assisting crash victims as quickly as possible after an accident. A similar system would need to be implemented along connectors. Points of ingress and egress in particular would need to be carefully, frequently and aggressively controlled on connectors in order to minimize critical response times to remote areas to recover, treat and transport crash victims.

Beyond locating victims, the remoteness of this proposed connector poses another significant challenge for emergency response teams. According to a 2015 publication of the Hospital and Healthcare Association of Pennsylvania, there are 33 certified Trauma Centers in Pennsylvania. None of these centers are located within the four-county region (Centre, Clinton, Potter and Lycoming) of the proposed regional trail system. The closest centers are

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in Altoona and Danville, so victims of any serious ATV and UTV accident would need to be rescued and taken to helipad locations before flying to either facility. However, emergency vehicles such as ambulances would not be able to access the regional trail system on a dependable basis, so extraction to a point where ambulances could be utilized would depend on specially-equipped UTV's or 4-wheel drive vehicles. Some of these vehicles are available in local Volunteer Fire Departments (VFDs). VFDs would need to be properly equipped to meet specialized needs when responding to serious accidents throughout the trail system.

DCNR should secure full funding of forest district law enforcement programs before any new ATV trails are approved.

RESPONSE: DCNR acknowledges the paucity of law enforcement and public contact positions available for a regional ATV trail above and beyond those it already employs and the full suite of tasks and responsibilities they are accountable for on a forest district. Requests for additional staff would be commensurate with funding for trail corridors.

Is there adequate funding in the ATV Fund to cover the phases of trail construction and management?

RESPONSE: The incorporation of a regional trail effort would require additional dedicated staffing or repurposing of existing staff on the DCNR complement. The BOF has added a dedicated motorized recreational specialist to coordinate the overall motorized recreation program with forest district managers and staff. More staff would be needed for maintenance and enforcement and would be requested with successive phases of trail development. ATV restricted funds are woefully inadequate to responsibly support a viable ATV regional trail system. Should we endeavor to achieve the stated goal of many ATV interests to create a regional attraction that would attract motorized enthusiasts from

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across the eastern United States, it is important to commit to sustainability in design and excellence in administration.

What will be the fiscal impact of managing and maintaining trails if they are used year-round?

RESPONSE: Year-round operations of a regional ATV trail system would drastically elevate maintenance needs in terms of both staff and funding, as well as result in unnecessary and avoidable environmental damages. As previously stated, the planned season of operation would be in accordance with the presently defined summer season from the Friday of Memorial Day weekend to the final Sunday of September. There are no plans at this time for year-round ATV trail use.

Current ATV permit fees fail to yield enough revenue for DCNR to staff up and increase maintenance to the level that will be absolutely necessary. That ATV fees should perhaps be changed to require an annual fee that is a protected fund which only DCNR can access for the necessary repair and maintenance of trails.

RESPONSE: While acknowledging the necessity of increased funding to successfully operate a regional trail system, DCNR respectfully submits any changes to registering and titling of ATVs is more appropriately addressed by the legislature through modification of the existing ATV Sections of the Vehicle Code.

GENERAL POLICY QUESTIONS

Who pays for medical bills and property damage?

RESPONSE: DCNR is not liable for injuries that occur on DCNR managed lands.

Furthermore, by law, ATV operators must possess valid registration and proof of insurance

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to participate in motorized recreation off their own lands. Monitoring for, controlling and promptly correcting damages to private lands directly attributable to illegal use of DCNR connector trails must be a priority of trail operation.

If, due to impacts, the ATV Trail Development and Management Policy needs to change, what will be the process for change? Will there be a regular review of the policy to see if the Department is, indeed, protecting the public trust? It indicates the policy is reviewed every three years—will this be with public input?

RESPONSE: DCNR's policy office will review the language and implementation of the policy every three years. If significant changes to the policy are proposed, DCNR will provide opportunity for public input.

As part of this process, it alludes to a set of criteria through which new trails proposal will pass (the review process), but these criteria are not specified in any great detail in the policy. These filters need to be spelled out in the policy with the option of adding additional filters as needed based on knowledge gained through addition of trails.

RESPONSE: Incorporation of ATV connector trail will be subject to the same established process and criteria for State Forest Environmental Review as described in the 2016 SFRMP. Additionally, any proposals for ATV connector trails in a specific forest district would be included as part of the districts' annual work plan which would be posted for public review on district web pages.

After reviewing the draft policy revision, we respectfully ask that you table this policy change and maintain the existing ATV trail development moratorium. We understand that increased demand for ATV trails has led to a desire to provide more recreational opportunities for motorized recreationists within the state but the pressure for ATV trail

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expansion comes in direct conflict with nearly every other use of the forests. Any motorized vehicle use in state forests should be limited to search and rescue, actions relating to the management of the natural resources, or in providing for accessibility needs.

RESPONSE: DCNR recognizes the values articulated here and the potential conflicts that may arise as a result of any expansion of motorized recreational opportunities. In response to social demands, DCNR is analyzing for opportunities to connect existing trail systems while maintaining adherence to constitutionally-mandated responsibilities. Any potential impacts or conflicts will be avoided, minimized, and/or mitigated.

The policy indicates that DCNR MAY require public comment on proposed projects. Because our public lands are owned by the public, requiring public comment would strengthen the policy. Change the word MAY in policy to WILL.

RESPONSE: As a matter of regular business, the Bureau provides information on significant upcoming management activities annually on individual state forest district web pages, including recreational trail proposals for all activities. Citizens always have the option to contact local state forest district employees to discuss any of these activities and lodge support for, or reservations against, the activity. Understanding the interest in, both for and against, it is highly likely any cross-landscape ATV connector proposals would be subject to an additional series of public notice and review as was demonstrated in consideration of the Bloody Skillet to Whiskey Springs ATV connector.

If DCNR chooses to move forward with the policy as written, we ask that DCNR share a plan that outlines the anticipated funding need and how it will be met. This plan should be presented to the public for feedback and review.

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RESPONSE: An ATV management plan is in development to address the new policy. DCNR will strive for public transparency and stakeholder engagement in the implementation of this policy.

OTHER CONCERNS ADDRESSED (BEYOND SCOPE OF POLICY)

Use of dirt bikes and OHMs on state forest lands: 48 comments expressed support for including use of off-highway motorcycles (OHMs), dual sport bikes, and dirt bikes on state forest lands. A few comments expressed concern about OHMs and dirt bikes related to emissions, noise, and soil disturbance.

RESPONSE: DCNR is committed to providing recreational opportunities for a diverse set of recreational users while ensuring its trustee obligations to maintain and conserve the corpus of the trust for current and future generations. DCNR appreciates these comments; however, the Draft ATV Policy is specific to ATV use and does not change the Department's current policy regarding OHMs. Expanding motorized recreation on DCNR managed lands creates significant challenges for the Department in regards to trail development, enforcement, maintenance, safety, and impacts on other recreational users as well as to the resource. DCNR experiences a number of safety, maintenance, and enforcement challenges on the OHM trails it manages currently. DCNR must be given the ability to move forward prudently with motorized recreation for the sake of the resources it protects and manages and the safety and experience of all recreational users. DCNR grants, through the Bureau of Recreation and Conservation, do support riding opportunities for OHMs through private enterprises and on private lands. In addition, DCNR is actively seeking land acquisition opportunities to expand motorized recreation, including riding for OHMs.

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Northcentral PA ATV Trail Initiative is a great concept. I applaud the local municipalities and the Wolf administration for signing onto this initiative but when will the DCNR/PennDOT give final approval and “make the connector trails happen” to have the initiative come to fruition? As you know, this initiative primarily uses township roadways verses an actual “trail” system, through woodlands, like West Virginia’s Hatfield and McCoy system.

RESPONSE: The North Central PA Trails Initiative is indeed an example of a grassroots advocacy effort supported widely in the north central part of the state by local governments. Much of the system as presently comprised is indeed designated township road. The authority and process for designation of these roads is granted through the ATV Chapter of the PA Vehicle Code. Local governments are free to make these decisions on behalf of their residents. DCNR has long maintained that use of roadways to support ATV activities is fraught with problems, including:

- (1) the safety of ATV and UTV operators;
- (2) the safety of non-ATV traffic, both commercial and private, making legitimate use of our administrative, public-use roads;
- (3) relative inability to control illegal ingress and egress of machines, which often results in extensive environmental and social impacts and significantly detracts from the wild character of state forests for all users;
- (4) proximity to state forest leased camps and associated noise concerns;
- (5) compliance with recommendations by ATV manufacturers;
- (6) expressed concerns for expansion of the activity from nearly every other user group on state forest; and
- (7) illegal use on private land and damage to adjacent landowners and inholdings.

While the proposed policy clearly grants greater latitude to use state forest roads, the clear preference of the BOF will remain designated trail systems.

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A number of comments expressed interest in increased riding opportunities on Pennsylvania Game Lands and on Allegheny National Forest lands.

RESPONSE: DCNR does not manage or own these lands.

Use of UTVs and SXSs on state forest lands: 35 comments expressed support or questioned whether larger vehicles such as Utility Task Vehicles (UTVs) and Side by Sides (SXSs) would be permitted on ATV trails and/or state forest roads. A few comments recommended increasing the width of trails to allow for these larger vehicles.

RESPONSE: These newer classes of machines are clearly central to the future of motorized recreation in Pennsylvania. Since the great recession, the sale of multi-passenger machines has eclipsed sales of single-rider units for which the established system of state forest ATV trails were established to serve. In addition to designing any new connectors to accommodate these larger machines, it is also our intention to evaluate and upgrade existing trail systems to be sustainable for use by these machines. The Department will determine appropriate width and weight limitations for designated trails (not to exceed 64 inches and 1800 pounds).

DCNR should undertake a proactive outreach to all volunteer fire and ambulance companies in the region where ATV use is under consideration. Those fire and ambulance companies will need major additional State funding support.

RESPONSE: Increased impacts upon the relatively limited resources of rural volunteer fire departments and ambulance services are among DCNR's most primary concerns. Engaging in exactly this type of dialogue and to the extent possible accounting for local emergency needs associated with connector proposals is a necessity in all efforts moving ahead.

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Require special permit to ride on DCNR forest lands: 30 comments suggested that if DCNR expands riding opportunities on state forested lands, the agency could require a special permit to be purchased by licensed ATV riders to gain access.

RESPONSE: DCNR, through BOF, could implement a regional assessment that would evaluate select north central forest districts for corridors that could serve as regional connector trails. The department will consult with community leaders and stakeholders in any assessment to determine interest and feasibility.

Increases accessibility for some: 9 comments referenced the use of ATV/UTVs for accessibility purposes for individuals who otherwise could not access areas within state forest lands.

RESPONSE: DCNR allows a person with disabilities to operate an ATV in designated areas of state forest land with an approved letter of authorization from DCNR. Most of these areas are open year-round. If a person wishes to engage in hunting from his or her ATV, a permit to hunt from a vehicle, as well as a valid hunting license, is needed from the Pennsylvania Game Commission.